IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 16TH OCTOBER 2007 / 24TH ASWINA 1929

Bail Appl..No. 6212 of 2007()

CRMP.3203/2007 of D.C. & SESSIONS COURT,KOLLAM
CRIME NO.313/07 OF THE ANCHAL POLICE STATION, KOLLAM

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PETITIONER/ACCUSED

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1. THANKAPPAN, AGED 76 YEARS,
S/O.KRISHNAN, BAIJU SADANAM,
AGASTIKODE,ANCHAL.

2. LAIJU,S/O.THANKAPPAN,
AGED 42 YEARS,BAIJU SADANAM,
AGASTIKODE,ANCHAL.

3. SHIJA T.K.,D/O. THANKAPPAN,
AGED 4O YEARS,BAIJU SADANAM,
AGASTIKODE,ANCHAL.

BY ADV. SRI.V.V.RAJA
SRI.M.T.SURESH KUMAR

RESPONDENTS: COMPLAINANT

STATE OF KERALA THROUGH THE
SUB INSPECTOR OF POLICE, ANCHAL POLIE STATION
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U. NAZAR.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 16/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No. 6212 OF 2007

Dated this the 16th day of October, 2007

ORDER

Application for anticipatory bail. The petitioners are 60 year old person, his son and widowed daughter. They face allegations in a crime registered for offences punishable, inter alia, under Sec.452 of the IPC. That is the only non-bailable offence alleged. The petitioner and the de facto complainant are neighbours. Obviously, there is disagreement and dispute between the neighbours and tempers are running high. According to the petitioners, false, frivolous and vexatious allegations are raised against the petitioners. According to the prosecution, the petitioners had allegedly trespassed into the residential building of the de facto complainant after making necessary prior preparations and had assaulted the victim. She was indecently assaulted also, it is alleged.

2. The learned counsel for the petitioners prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that this is a fit case where directions under Sec.438 of the Cr.P.C. can be invoked. The weapon allegedly used has been recovered also, submits learned Public Prosecutor. Appropriate conditions can, of course, be imposed.

3. In the result, this petition is allowed. Following directions are issued under Sec.438 of the Cr.P.C:

(i) The petitioners shall appear before the learned Magistrate having jurisdiction at 11 a.m. on 24/10/07. They shall be released on regular bail on their executing bonds for Rs.25,000/- each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m. and 1 p.m. on 25/10/07 and 26/10/07 and thereafter as and when directed by the Investigating Officer in writing to do so.

(iii) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall

thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law as if these directions were not issued at all;

(iv) If the petitioners were arrested prior to their surrender on 24/10/07 as directed in clause (i) above, they shall be released on their executing bonds for Rs.25,000/- each without any sureties undertaking to appear before the learned Magistrate on 24/10/07.

Sd/-
(R. BASANT, JUDGE)

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P.S. to Judge